

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

**NOTICE OF MOTION NO.3480 OF 2003
IN
INCOME TAX APPEAL (L) NO.1149 OF 2003**

The Commissioner of Income Tax

..Applicant

Vs.

M/s.Grasim Industries Ltd.

..Respondent

Mr.A.D.Kango for the Applicant.

Mr.J.D.Mistry with Ms.R.V.Thakkar i/b.Dave Girish
& Co. for the Respondent.

**CORAM :- DR.S.RADHAKRISHNAN &
V.C.DAGA, JJ.**

DATE : 10TH APRIL, 2007

P.C.

1. Heard the learned Counsel for the parties. By this Notice of Motion the Applicant is seeking condonation of delay in filing the above Appeal. Perused the Notice of Motion and the affidavit-in-support thereof as well as the additional affidavit explaining the delay. For the reasons stated therein sufficient cause is made out for condoning the delay in filing the above Appeal. There is no case of inaction, negligence or want of bonafide on the part of the Applicant. Hence, the Notice of Motion is made absolute in terms of prayer clause (a).

2. The learned Counsel for the Applicant undertakes to serve a copy of the memo of Appeal on the learned Advocate for the Respondent within a

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period of four weeks from today. After serving the
memo of Appeal on the learned Advocate for the
Respondent, an acknowledge to that effect shall be
filed in the office. In the event, the copy of memo
of Appeal is not served within a period of four weeks
from today, this order shall stand vacated
automatically and the Appeal will also stand dismissed
without further reference to this Court.

(V.C.DAGA,J.)

(DR.S.RADHAKRISHNAN,J.)